

AMENDED IN ASSEMBLY APRIL 15, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 647

Introduced by Assembly Member Eggman
(Principal coauthor: Assembly Member Olsen)
(Coauthor: Senator Berryhill)

February 24, 2015

An act to amend Section 1242 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 647, as amended, Eggman. Beneficial use: ~~diversion~~ *storing* of water underground.

Under existing law, the right to water or to the use of water is limited to that amount of water that may be reasonably required for the beneficial use to be served. Existing law provides for the reversion of water rights to which a person is entitled when the person fails to beneficially use the water for a period of 5 years. Existing law declares that the storing of water underground, and related diversions for that purpose, constitute a beneficial use of water if the stored water is thereafter applied to the beneficial purposes for which the appropriation for storage was made.

This bill would declare that the ~~diversion~~ *storing* of water underground constitutes a beneficial use of water ~~for which an appropriation may be made if the diverted water is stored and thereafter applied to beneficial use or if beneficial use of the water, including, but not limited to, protection of water quality or recovery of groundwater levels, is made while the water is underground.~~ *used while it is in underground storage for specified purposes.* This bill would provide that the period for the reversion of a water right does not ~~apply to water being beneficially~~

include any period when the water is being used in the aquifer or storage area or is being held in storage for later application to beneficial use, as prescribed.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1242 of the Water Code is amended to
2 read:

3 1242. (a) The storing of water underground, including the
4 diversion of streams and the flowing of water on lands necessary
5 to the accomplishment of ~~such~~ *that* storage, constitutes a beneficial
6 use of water if the water so stored ~~is~~ *meets one or both of the*
7 *following conditions:*

8 (1) *Is thereafter applied to the beneficial purposes for which*
9 *the appropriation for storage was made.*

10 (2) *Is used while it is in underground storage for one or both*
11 *of the following express purposes:*

12 (A) *Protecting water quality, including providing a hydrostatic*
13 *barrier to saline water intrusion or other contamination.*

14 (B) *Preventing or remediating significant and unreasonable*
15 *land subsidence that substantially interferes with surface land*
16 *uses.*

17 (b) *The forfeiture periods in Sections 1240 and 1241 do not*
18 *include any period when, consistent with this section, the water is*
19 *being used in the aquifer or storage area or is being held in storage*
20 *for later application to beneficial use.*

21 ~~SECTION 1. Section 1242 of the Water Code is amended to~~
22 ~~read:~~

23 ~~1242. The diversion of water underground, including the~~
24 ~~diversion of streams and the flowing of water on lands necessary~~
25 ~~to the accomplishment of that diversion, constitutes a beneficial~~
26 ~~use of water for which an appropriation may be made if the diverted~~
27 ~~water is stored and thereafter applied to beneficial use, consistent~~
28 ~~with this division, or if beneficial use of the water, including, but~~
29 ~~not limited to, protection of water quality or recovery of~~
30 ~~groundwater levels, is made while the water is underground. The~~
31 ~~forfeiture periods described in this article do not apply to water~~

- 1 ~~being beneficially used in the aquifer or being held in storage for~~
- 2 ~~later beneficial use.~~

O